

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE BOARD OF APPEALS

In re Patent Application of:)
CHAPMAN ET AL.)
)
Serial No. 10/617,065) Examiner: D. BLAIR
)
Confirmation No. 3796) Art Unit: 2142
)
Filing Date: July 10, 2003) Attorney Docket No.
) 55512
For: METHOD AND SYSTEM FOR)
DISTRIBUTING A PUBLIC INFORMATION RELEASE AUTHORIZATION)
(PIRA) FORM OVER AN INTRANET)
)

APPELLANT'S APPEAL BRIEF

MS Appeal Brief-Patents
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

Submitted herewith is Appellant's Appeal Brief together with the requisite \$510.00 large entity fee for filing a brief. If any additional extension and/or fee is required, authorization is given to charge Deposit Account No. 01-0484.

(1) Real Party in Interest

The real party in interest is Lockheed Martin Corporation, assignee of the present application as recorded at reel 014275, frame 0508.

(2) Related Appeals and Interferences

At present there are no related appeals or interferences.

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(3) Status of the Claims

Claims 1-36 are rejected in the application, all of which are being appealed herein.

(4) Status of the Amendments

All amendments with respect to the claims have been entered, and there are no further pending amendments with respect to the claims. The amendment to the specification will be entered during the appeal. A copy of the claims involved in this appeal is attached hereto as Appendix A.

(5) Summary of the Claimed Subject Matter

The present invention, as recited in independent Claim 1, is directed to a method for distributing a public information release authorization (PIRA) form over an intranet 10. See page 5, line 18 through page 7, line 32 and FIG. 1 of the present application (reproduced below).

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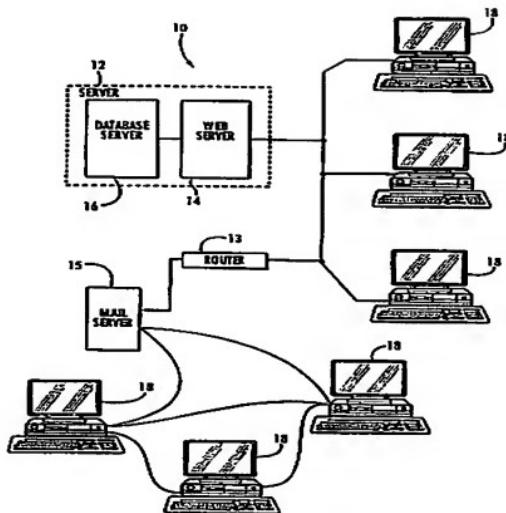


FIG. 1 of the Present Application

The method comprises creating 200 and submitting 210 a PIRA form (illustrated in FIGS. 4-8) over the intranet 10, with the PIRA form being submitted by an author 222 to at least one approver 296 via e-mail 15 with a hyperlink to the PIRA form. Comments 324 (FIG. 9) for the PIRA form are transmitted by the at least one approver 296 via e-mail 15. See page 10, line 29 through page 13, line 11; page 15, line 29 through page 16, line 27; and FIGS. 3 and 4 of the present application (reproduced below).

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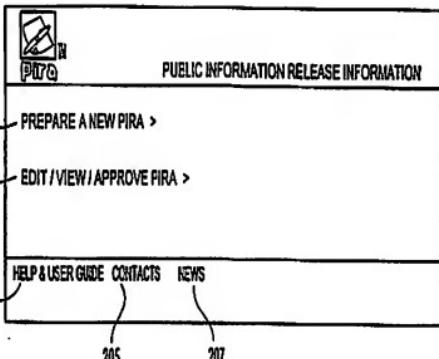


FIG. 3 of the Present Application

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FIG. 4 of the Present Application

The PIRA process may advantageously be used to approve the internal and external release of technical papers, abstracts, presentations, reports, journal articles, books, videos and other information intended for presentation or publication outside of a particular corporation. The PIRA process helps to speed up the time normally required to obtain approval, particularly when the information is to be reviewed by a half a dozen or more approvers.

Independent Claim 13 is directed to an intranet 10 for distributing a public information release authorization (PIRA) (illustrated in FIGS. 4-8). The intranet 10 comprises at least one server 12 for implementing the PIRA process, and first and

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second user computers 18 cooperating with the at least one server 12. See page 5, line 18 through page 7, line 32 and FIG. 1 of the present application. The first user computer 18 cooperates with the at least one server 12 for creating 200 and submitting 201 a PIRA form (illustrated in FIGS. 4-8) over the intranet 10, with the PIRA form being submitted by an author 222 to at least one approver 296 via e-mail 15 with a hyperlink to the PIRA form. The second user computer 18 cooperates with the at least one server 12 for transmitting comments 324 (FIG. 9) of the PIRA form by the at least one approver 296 via e-mail 15. See page 10, line 29 through page 13, page line 11; page 15, line 29 - page 16, line 27; and FIG. 2 and 4 of the present application.

Independent Claim 25 is directed to a computer-readable medium having computer-executable instructions for causing user computers 18 coupled to at least one server 12 and defining an intranet 10 therewith to perform steps. See page 5, line 18 through page 7, line 32 and FIG. 1 of the present application. The steps comprise creating 200 and submitting 201 a public information release authorization (PIRA) form (illustrated in FIGS. 4-8) over the intranet 10 using a first one of the user computers 18 cooperating with the at least one server 12, with the PIRA form being submitted by an author to at least one approver 296 via e-mail 15 with a hyperlink to the PIRA form. Comments 324 (FIG. 9) for the PIRA form by the at least one approver 296 are transmitted via e-mail 15 using a second one of the user computers 18 cooperating with the at least one server 12. See page 10, line 29 through page 13, line 11; page 15, line 29 through page 16, line 27; and FIG. 4 of the present application.

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(6) Grounds of Rejection to be Reviewed On Appeal

Claims 1-3, 5-8, 12-15, 17-20, 24-27, 29-32 and 36 are provisionally rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over Claims 1-2, 6, 12-23, 17, 22, 25, 31-32, 36, 42-43, 47, 52, 55, 58, 61-62 of copending application no. 09/596,629.

The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter of a computer-readable medium.

Claims 1-36 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,356,909.

(7) Arguments

I. The Claims are Patentability Distinct From Co-Pending Application 09/596,629

The Examiner has taken the position that the claims in copending application no. 09/596,629 are not patentability distinct from each other because the claims in the present application are directed towards the same process of disseminating information. The Examiner further states that even though the claims are directed to different types of information, the distinction is irrelevant because the technical details of the present invention are independent of the type of data being transmitted and the particular human sender and receivers of data.

As correctly noted by the Examiner, the claims are directed to different types of information. The claims in the copending application are directed to invention disclosures, whereas the claims in the present invention are directed to public information release authorization (PIRA) forms.

More particularly, the claims in the copending

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application are directed to specific steps for distributing an invention disclosure form over an intranet. These specific steps are not recited in the claimed invention. In the copending application, independent Claim 1 is as follows:

1. (copending application) A method for distributing an invention disclosure over an intranet, the method comprising the steps of:
 - accessing an invention disclosure template form over the intranet;
 - creating an invention disclosure using the invention disclosure template form, the invention disclosure being created by an inventor and including information about an invention;
 - selecting an option in the invention disclosure template form to include an attachment with the invention disclosure;
 - attaching a file to the invention disclosure without the use of a hyperlink, the file being created by the inventor separate from the invention disclosure and including information about the invention that is not included in the invention disclosure;
 - submitting the invention disclosure along with the attached file over the intranet to at least one evaluator via e-mail with a hyperlink to the invention

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disclosure; and

transmitting evaluation comments
on the invention disclosure and the attached
file by the at least one evaluator via e-
mail.

The above recitations in the above independent claim
are not in the independent claims of the present invention: 1)
selecting an option in the invention disclosure template form to
include an attachment with the invention disclosure, 2) attaching
a file to the invention disclosure, and 3) submitting the
invention disclosure along with the attached file.

In the present application, independent Claim 1 is as
follows:

1. (present application) A method
for distributing a public information release
authorization (PIRA) form over an intranet,
the method comprising:

creating and submitting a PIRA
form over the intranet, the PIRA form being
submitted by an author to at least one
approver via e-mail with a hyperlink to the
PIRA form; and

transmitting comments for the PIRA
form by the at least one approver via e-mail.

In the present application, there are no attachments
with respect to the PIRA form in the independent claim. In sharp
contrast, each of the independent claims in the copending

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application requires selecting an attachment as an option in the invention disclosure template form.

Since the claims are directed to different types of information, each requiring different and specific requirements, the claims in the present application are nonobvious to the claims in the copending application. The Appellants submit that if a double patenting rejection is to be maintained, then a nonobviousness-type double patenting rejection is proper, which can be overcome by the filing of a terminal disclaimer.

II. The Specification Supports The Computer-Readable Medium Claims

The Examiner objected to the specification based on the position that the specification does not provide proper antecedent basis for the claims directed to a computer-readable medium. MPEP §608.01(o) states the following:

"The meaning of every term used in any of the claims should be apparent from the descriptive portion of the specification with clear disclosure as to its import;" (Emphasis added).

The preamble in independent Claim 25 is as follows: A computer-readable medium having computer-executable instructions for causing user computers coupled to at least one server and defining an intranet therewith to perform steps". The computer-executable instructions stored on the computer-readable medium thus cause the user computers to perform as recited in the body of the claim.

As best illustrated in FIG. 1, the user computers 18 are coupled to a server 12. To provide a direct correlation

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between the language recited in the computer-readable medium claims and what is listed in the application, the Appellants' have amended the specification accordingly. The Appellants submit that no new matter is being added since the original language in independent Claim 1 is fully supported by the specification, and the language in independent Claim 25 is similar to Claim 1.

The Examiner also noted that the Appellants do not provide a description of what a computer readable medium comprises. The Appellants respectfully submit that one skilled in the art readily understands that a computer-readable medium comprises computer-readable instructions for causing a user computer to perform certain steps, as noted above.

Likewise, one skilled in the art readily understands that the computer-readable instructions can be stored on a number of different types of computer readable mediums. For example, one skilled in the art would readily appreciate that in view of the computer illustrated in FIG. 1, the computer readable medium would include a floppy disk, a CD-ROM (Compact Disk Read Only Memory), RAM (Random Access Memory), ROM (Read-Only Memory), or other readable or writeable data storage technologies, singly or in combination.

To support the Appellants position, reference is directed to U.S. Patent No. 6,111,566 titled "Apparatus of data decompression and processing and method therefor and computer readable medium." The '566 patent fails to specifically define a computer-readable medium within the specification, yet the claims are readily understood by those skilled in the art.

The Appellants thus submit that Claims 25-36 are supported by the application in view of those skilled in the art.

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III. The Spencer Patent Is Not A Prior Art Reference

The Examiner has taken the position that the provisional applications 60/141,306 and 60/146,254 do not provide written description support for the claimed subject matter because there is no reference at all to the claimed "public information release authorization forms."

In the '306 provisional application, reference is directed to page 18, lines 14-16, which provides: "The technical paper is included as an attachment to the technical paper form filled out by the author." (Emphasis added). As discussed in the '306 provisional, the technical paper form is web-based, and the various fields in the form are filled out by the author. Once various fields have been filled out, e-mail notification messages with hyperlinks to the form are used as part of the approval process. Moreover, on page 17, lines 8-9 in the '254 provisional application, it states that "the technical paper approval process is similar to the invention disclosure process..."

The Appellants used the term "public information release authorization form" in the claimed invention instead of "technical paper form" since it is more generic. For example, reference is also directed to page 17, lines 16-21, which provides: "The technical paper approval process is used to approve the external and internal release of technical papers, abstracts, presentations, reports, journal articles, books, and other information intended for publication or presentation outside of a particular corporation." (Emphasis added).

The Appellants submit that the '306 and '254 provisional applications provide written description support for the claimed "public information release authorization form" since there is reference to a "technical paper form" and "external release" for "publication or presentation outside of a particular

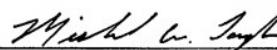
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corporation." Since the priority date of the Spencer patent is after the priority date of the '306 provisional application, Spencer should be removed as prior art.

IV. CONCLUSION

In view of the arguments provided herein, it is submitted that all the claims are patentable. Accordingly, a Notice of Allowance is requested in due course. Should any minor informalities need to be addressed, the Examiner is encouraged to contact the undersigned attorney at the telephone number listed below.

Respectfully submitted,


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APPENDIX A - CLAIMS ON APPEAL
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1. A method for distributing a public information release authorization (PIRA) form over an intranet, the method comprising:

creating and submitting a PIRA form over the intranet, the PIRA form being submitted by an author to at least one approver via e-mail with a hyperlink to the PIRA form; and

transmitting comments for the PIRA form by the at least one approver via e-mail.

2. A method according to Claim 1 wherein the intranet includes a plurality of users enrolled therein with each user having associated personnel information stored within the intranet, the method further comprising:

selecting a first level of approvers from among the plurality of users for reviewing the PIRA form; and

transmitting a first notification message via e-mail to the first level of approvers, the first notification message having a hyperlink to the PIRA form.

3. A method according to Claim 2 wherein the first level of approvers comprises at least one of a manager, a program manager and a technical peer reviewer.

4. A method according to Claim 2 wherein the first level of approvers is selected by the author.

5. A method according to Claim 2 further comprising creating a profile of the PIRA form in response to accessing

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associated personnel information of the author; and wherein at least one of the first level of approvers is selected based upon the created profile.

6. A method according to Claim 2 wherein the first level of approvers reviews the PIRA form concurrently.

7. A method according to Claim 2 further comprising: selecting a second level of approvers from among the plurality of users for reviewing the PIRA form; and transmitting a second notification message via e-mail to the second level of approvers, the second notification message having a hyperlink to the PIRA form.

8. A method according to Claim 7 wherein the second level of approvers comprises at least one of a security administrator, a system administrator, a contracts administrator, a communications administrator, an export/import administrator and a legal administrator.

9. A method according to Claim 7 wherein the second level of approvers is selected by a system administrator.

10. A method according to Claim 7 wherein each of the second level of approvers reviews the PIRA form sequentially.

11. A method according to Claim 10 further comprising stopping approval of the PIRA when one of the second level of approvers rejects the PIRA form.

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12. A method according to Claim 1 wherein the creating comprises including an attachment to the PIRA form.

13. An intranet for distributing a public information release authorization (PIRA) form comprising:

at least one server for implementing the PIRA process;
a first user computer cooperating with said at least one server for creating and submitting a PIRA form over the intranet, the PIRA form being submitted by an author to at least one approver via e-mail with a hyperlink to the PIRA form; and
a second user computer cooperating with said at least one server for transmitting comments of the PIRA form by the at least one approver via e-mail.

14. An intranet according to Claim 13 wherein a plurality of users is enrolled in the intranet, with each user having associated personnel information stored within said at least one server, said first user computer further cooperating with said at least one server for performing the following:

selecting a first level of approvers from among the plurality of users for reviewing the PIRA form; and
transmitting a first notification message via e-mail to the first level of approvers, the first notification message having a hyperlink to the PIRA form.

15. An intranet according to Claim 13 wherein the first level of approvers comprises at least one of a manager, a program manager and a technical peer reviewer.

16. An intranet according to Claim 13 wherein the first level of approvers is selected by the author.

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17. An intranet according to Claim 14 wherein said first user computer further cooperates with said at least one server for creating a profile of the PIRA form in response to accessing associated personnel information of the author; and wherein at least one of the first level of approvers is selected based upon the created profile.

18. An intranet according to Claim 13 wherein the first level of approvers reviews the PIRA form concurrently.

19. An intranet according to Claim 14 wherein said first user computer further cooperates with said at least one server for performing the following:

selecting a second level of approvers from among the plurality of users for reviewing the PIRA form; and

transmitting a second notification message via e-mail to the second level of approvers, the second notification message having a hyperlink to the PIRA form.

20. An intranet according to Claim 19 wherein the second level of approvers comprises at least one of a security administrator, a system administrator, a contracts administrator, a communications administrator, an export/import administrator and a legal administrator.

21. An intranet according to Claim 19 wherein the second level of approvers is selected by a system administrator.

22. An intranet according to Claim 19 wherein each of the second level of approvers reviews the PIRA form sequentially.

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23. An intranet according to Claim 19 wherein said first user computer further cooperates with said at least one server for stopping approval of the PIRA when one of the second level of approvers rejects the PIRA form.

24. An intranet according to Claim 13 wherein creating and submitting the PIRA form comprises including an attachment to the PIRA form.

25. A computer-readable medium having computer-executable instructions for causing user computers coupled to at least one server and defining an intranet therewith to perform steps comprising:

creating and submitting a public information release authorization (PIRA) form over the intranet using a first one of the user computers cooperating with the at least one server, the PIRA form being submitted by an author to at least one approver via e-mail with a hyperlink to the PIRA form; and

transmitting comments for the PIRA form by the at least one approver via e-mail using a second one of the user computers cooperating with the at least one server.

26. A computer-readable medium according to Claim 25 wherein the intranet includes a plurality of users enrolled therein with each user having associated personnel information stored within the intranet, the computer-readable medium further having computer-executable instructions for causing the first one of the user computers to perform the following steps:

selecting a first level of approvers from among the plurality of users for reviewing the PIRA form; and

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transmitting a first notification message via e-mail to the first level of approvers, the first notification message having a hyperlink to the PIRA form.

27. A computer-readable medium according to Claim 25 wherein the first level of approvers comprises at least one of a manager, a program manager and a technical peer reviewer.

28. A computer-readable medium according to Claim 25 wherein the first level of approvers is selected by the author.

29. A computer-readable medium according to Claim 26 further having computer-executable instructions for causing the first one of the user computers to create a profile of the PIRA form in response to accessing associated personnel information of the author; and wherein at least one of the first level of approvers is selected based upon the created profile.

30. A computer-readable medium according to Claim 25 wherein the first level of approvers reviews the PIRA form concurrently.

31. A computer-readable medium according to Claim 26 further having computer-executable instructions for causing the first one of the user computers to perform the following steps:
selecting a second level of approvers from among the plurality of users for reviewing the PIRA form; and
transmitting a second notification message via e-mail to the second level of approvers, the second notification message having a hyperlink to the PIRA form.

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32. A computer-readable medium according to Claim 31 wherein the second level of approvers comprises at least one of a security administrator, a system administrator, a contracts administrator, a communications administrator, an export/import administrator and a legal administrator.

33. A computer-readable medium according to Claim 31 wherein the second level of approvers is selected by a system administrator.

34. A computer-readable medium according to Claim 31 wherein each of the second level of approvers review the PIRA form sequentially.

35. A computer-readable medium according to Claim 31 further having computer-executable instructions for causing the first one of the user computers to stop approval of the PIRA when one of the second level of approvers rejects the PIRA form.

36. A computer-readable medium according to Claim 25 wherein creating and submitting the PIRA form comprises including an attachment to the PIRA form.

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APPENDIX B - EVIDENCE APPENDIX
PURSUANT TO 37 C.F.R. § 41.37(c)(1)(ix)

None.

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APPENDIX C - RELATED PROCEEDINGS APPENDIX
PURSUANT TO 37 C.F.R. § 41.37(c)(1)(x).

None.